## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Criminal No. 7:15-CR-19-1H Civil No. 7:16-CV-345-H

| KELVIN JEROME NEWKIRK,    | ) |       |
|---------------------------|---|-------|
| Petitioner,               | ) |       |
| v.                        | ) | ORDER |
| UNITED STATES OF AMERICA, | ) |       |
| Respondent.               | ) |       |

Having examined petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 15 day of October, 2016.

MALCOLM J. HOWARD

SENIOR UNITED STATES DISTRICT JUDGE